

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-163255-001 DT

08/13/2014

COMMISSIONER J. JUSTIN MCGUIRE

CLERK OF THE COURT
C. Towles
Deputy

STATE OF ARIZONA

JUDITH C. RUHL O'NEILL

v.

RASHELLE ATKINS (001)
DOB: 12/21/1978

JANIS R WILLIAMS

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

DISPOSITION HEARING - PROBATION REINSTATED WITH VIOLATION HEARING

9:25 a.m.

Courtroom #3 CCB LL

State's Attorney:	Bruce Garry for Judith C. Ruhl O'Neill
Defendant's Attorney:	William Pearlman for Janis Williams
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This is the time set for Non-Witness Violation Hearing.

Defendant was present for the group advisement given on the record at 8:28 a.m. this date in this division.

The Defendant has previously entered a denial to the alleged violation of probation and now advises the Court that she wishes to enter an admission.

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The Defendant admits violation of probation for condition #11.

The admission is accepted and entered of record.

The Defendant is advised of the right to disposition hearing within the statutory time limits and the right to a written probation violation report.

Disposition proceeds at this time.

The Court Finds that the Defendant has refused drug treatment as a part of their probation grant. Pursuant to A.R.S 13-901.01(G) (Proposition 302), the Defendant is no longer eligible for mandatory probation under Proposition 200 sentencing guidelines. Therefore,

Disposition is pursuant to A.R.S 13-901.01(H).

The Court finds Defendant has violated the conditions of probation previously imposed.

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), continuing the defendant on probation:

Count 1: With a revised expiration date of 11/14/2014.

Length of Probation: 34 months

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

DELINQUENT PROBATION SERVICE FEES: Count 1 - \$30.00 payable \$10.00 per month.

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FINE: Count 1 - Total amount of \$2,208.00, which includes surcharges of 84%, payable \$10.00 per month.

PROBATION SURCHARGE: Count 1 - \$10.00.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

WARRANT CHARGE: Count 1 - \$180.00.

Payment to commence sixty (60) days after release and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 1: Complete a total of 24 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 1: Be incarcerated in the county jail for 94 day(s), beginning 08/13/2014 with credit for 0 day(s) served.

Not to be released until 11/14/2014.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is reminded that failure to maintain contact with the Probation Department as required by your Probation Officer may result in the following orders being issued against you:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

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2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion To Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition To Revoke.

IT IS ORDERED vacating the Witness Violation Hearing set on August 20, 2014 at 1:30 p.m. before this division.

Count 1: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

The written terms and conditions of probation are handed to the Defendant for explanation and signature. The Defendant is advised of the consequences of failure to abide the terms of probation.

9:34 a.m. Matter concludes.

ISSUED: Order of Confinement.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER J. JUSTIN MCGUIRE
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)